## THURSTON IS UPHELD

#### Contempt Case Goes to Pieces Easily.

Chief Justice Frear filed a decision yesterday afternoon in the case of the petition of L. A. Thurston for a writ of babeas corpus, discharging the pelitioner from custody on the ground that there is nothing on the record to show that he had committed any offease or been convicted of or sentenced questions. for having committed any offense.

What Judge Humphreys probably intended to do was to fine and imprison Mr. Thurston for contempt of court: but he did not say so. Neither the record, the judgment nor the mittimus contains the word "contempt," nor dethey say what the offense is, for which punishment is presciribed. The senpunishment of a specific offense which he has been specifically found

The whole sentence being fliegal, there was no occasion to consider the other points made in Mr. Thurston's behalf, vis.; that the question which McClanahan for the petitioner; F. he refused to answer was a privileged Thompson for the respondent. one; and that the Grand Jury asking the question was illegally drawn. Judge Frear's decision in full is as

follows: In the Supreme Court of the Territory of Hawaii. - In Chambers. Ex Parte Thurston.—Habeas Corpus. Submitted May 29, 1901; decided June 12, 1901. Before Frear, C. J.

The petitioner, having refused as a estness to answer certain questions put to him by the Grand Jury in the Circuit Court of the Pirst Circuit, was ordered by the Court to appear and show cause way he should not be required to answer such questions. He made a showing which the Court held insufficient in law as to one of the questions asked, namely as to the name of a client of his. He The mittimus, which is set forth in the baronesses are the guests of Emperor and Empress. The baronesses are the guests of Emperor and Empress. The baronesses are the guests of Emperor baronesses are the guests of Emperor and Empress. The baronesses are the guests of Emperor and Emperor and Empress are the guests of Emperor and Empero response to its interrogatory the name of his alleged client, and the said L. A. Thurston then and there in open court declining to do so

committed is a criminal offense and no sentence can be pronounced until after conviction in such a case any more than in other criminal cases. The mittimus does not show that the petitioner was convicted of any offense, nor does it.

Kritsinger's force is estimated to have the the evacuation by the affics the return of normal conditions will be gradual. Until then China will have gradual to opport the protocol of any offense, nor does it.

It is manifestly impossible for her to the petitioner was been. does not show that the petitioner was fore convicted of any offense, nor does it show of what offense he was convicted, All

swer questions to the Grand Jury, or unill final adjournment of said Grand Jury at this term of court." On habeas corpus before a Justice of the high court of WASHINGTON. June 5.—Following errors and appeals, the following lan-guage, quoted in Church, Eab, Corp., perintendent of the Naval Academy sec. 332, was used: "But it is clear that has caused a cadet to be dismissed for a general order to imprison a party unmry or by the Court is a mere nullity. The law requires that before a sentence of imprisonment shall be passed against party, he should first be convicted of a offense. In ordinary cases, this conviction must be by the verdict of a jury. prisonment for a contempt generally, or for a contempt in refusing to answer questions. There is not any conviction or adjudication by the Court that Mr. should to delate him. It is true and was simpleful to delate him. It is true and was simpleful to delate him. It is true and was simpleful to delate him. It is true and was simpleful to delate him. It is true and was simpleful to delate him. It is true and was simpleful to delate him. It is true and was simpleful to delate him to be delated in the same of the same of the same of the same of the case and however many accordingly.

It was supported that the be discount to be classed. And for the various positions will be first the various positions will be first the various positions will be first the various positions will be first. Father in the case and however many accordingly.

It was supported that the position of apportionment passed by Congress which requires the dutibulion of significant in the case, and however many large dismissed caster was discovered in the case, and however many continued that the public but it is understand to dismissed the public but it is understand to dismissed the proportionment passed by Congress which requires the dutibulion of significant to dismisse the proportionment passed by Congress which requires the dutibulion of significant to dismisse the proportion of the case and the case a

One also brivett to Pressley, 63 lad, 1990 51, Fig. parts O'Physio, W. Ma., 871, Paul 110 de vs. Meenett, i Palge, 282 Le re Blair, det-Wis, 283, Missessed vs. Bherwood, 22 gan, i Projet to Paramagh, 1 Parker, 271

The name when nomes to be hold in her det engigled to he parte maided i Pr. 16. It is not be to be to

on the present community, and there we are presented to appeal to on the fiber. I should have come to the common that the order was houth-tent I until have committed if presents that more correct and proper, held the latter cofficient in view of the procedents.

Nevins, I Hill, 154. The decision in he Court seemed to rely to a large ex-nt on special statutes. Whether the use is still regarded as correctly decidin that jurisdiction may be a ques-on. See Higelow's Overruled Cases, uge 33, referring to the later case of come vs. Cowles, 4 Keyes, 3, 30, which not at hand. I would hardly be justi-It will be unnecessary to consider the other points that were taised.

I find that no legal cause has been shown for the petitioner's imprisonment and he is accordingly discharged there-W. F. FREAR. from. . W. F. FREAR.
A. S. Hartwell and Kinney, Ballou &

#### THE WORLD'S NEWS.

BERLIN, June 5.-Emperor William's ception today of Baroness von Kette-r, who was accompanied by her mothler, who was accompanied by her mother-disclosured by her mother-disclosured with interest to the recital of the widow's sorrowful experiences during the slege of Peking, and also to her account of Baron von Ketteler's death. The Emgress, who was present at the sudience, often interrupted with questions, evincing the highest regard for the widow's courage and subsequent nursing evident that the ruling party will make the for Hawali is the next election, in porters. Of one thing I sm sure, bad which public-spirited men will come forward. Prevailing conditions will undoubtedly cause much distress among the poor, by making business of all kinds more or less unsafe, considered the highest regard for the widow's courage and subsequent nursing widow's courage and subsequent nursing of the sick and wounded. Her Majesty, at the Emperor's request, pinned the in-

Muenster, Westphalia, the next day, made his usual nightly visit to the whence soon afterward they will go to White House shortly after 9 o'clock, a watering place. The widow has not yet recovered from the attack of nervous half. On leaving he said: "Mrs. Mcfering. Both ladies arrived at Potsdam without anybody, even the officials of the

pay a fine and suffer imprisonment. It acoustic that the petitioner was ammunition to reach the burghers. The convicted of contempt. A person cannot officers belonged to the auxiliary forces. convicted of contempt. A person cannot officers belonged to the auxiliary forces, lawfully be sentenced for the commission of an offense until he has been duly but Earl Roberts commuted their sentences. son of an offense until he has been duly convicted or found guilty of the offense. It may be perfectly clear from the evidence in a criminal case tried before a pary that the defendant has committed a certain offense, but the Court cannot sentence him for it until the jury have rendered a verdict of guilty against him.

but Earl Roberts commuted their sentences to penal servitude for life, and the men's offense was altered to being asleep on post. There have been such a certain offense, but the Court cannot sentence him for it until the jury have rendered a verdict of guilty against him.

but Earl Roberts commuted their sentences to penal servitude for life, and the men's offense was altered to being asleep on post. There have been such as the convention of the Chinese earnested in Butte by Department, but alion, He said: The Chinese earnested in Butte by Department, but alion, He said: The Chinese earnested in the charge of forgery. Neall has been arrested in Butte by Department, but the definition of the funds of the Sun from Manila says: General Adna R. Chaffee, who arrived today, had a ago, has been arrested in Butte by Department, but the definition to the funds of the Sun from Manila says: General Adna R. Chaffee, who arrived today, had a ago, has been arrested in Butte by Department, but the definition to the funds of the Sun from Manila says: General Adna R. Chaffee, who arrived today, had a ago, has been arrested in Butte by Department of the words to say on the Chinese earnested in Butte by Department, but the definition to the funds of the Sun from Manila says: General Adna R. Chaffee, who arrived today, had a ago, has been arrested in Butte by Department of the funds of the Sun from Manila says: General Adna R. Chaffee, who arrived today, had a ago, has been arrested in Butte by Department of the funds of the Sun from Manila says: General Adna R. Chaffee, who arrived today, had a such arrested to the Sun from Manila says: General Adna R. Chaffee, who arrived today, had a such arrested to the Sun fro rendered a verdict of guilty against him had the delinquents shot, returning it is equally true that the Court cannot them as having died from enteric fever. them as having died from enteric fever. The question of guarantees for indem-CAPE TOWN, June 5.—The garrison of Jamestown, Cape Colony, which sur-of Jamestown, Cape Colony, which sur-quire much time, patience and forbear- his friend, John W. Mackay. The officers a criminal case heard or tried by it-f pronounce sentence until it has of Jamestown, Cape Colony, which surfound the defendant guilty. A contempt rendered to Kritsinger's command, such as it is contended the petitioner June 2d, numbered sixty men in all committed is a criminal offense and no Kritsinger's force is estimated to have no Kritsinger's force is estimated to have

ALIWAL NORTH, June 4.-Colonel show of what offense he was convicted. White's column came in contact with "chaffee said he believed had lost all their gains by In Ex parte Adams, 25 ...iss., 852, the Kritsinger's command northeast of had lost all their gains by their pro-Court "Ordered that George H. Adams Jamestown, June 3d, drove the Hoers tracted stay. They had forfeited every of his own composition. He came at once to his home, took to his bed and specific his assent to the Court to an trops and recovered the stores louised presentations. signifies his assent to the Court to an- tions and recovered the stores looted persevering aggressiveness, unnecessafrom Jamestown.

has caused a cadet to be dismissed for hazing. In this case, however, that of a Calvin Joy Creassey of the fourth class, of California, the accused was tried by ourt-martial and regularly convicted. lic by the Navy Department, is as fol-The court-martial before which in the case of contempts, it may be by Naval Cadet Calvin Joy Creamey, the judgment of the Court. Sill, in fourth class, was tried June 3d, conthe judgment of the court and con-sither case, the record must show a con-viction. Now it will be seen from this Naval Academy, pursuant to the au-reture that there is no judgment of im-thority vested in him by the art of Convened by the superintendent of the gress approved June 23, 1875; having found the specification of the charge preferred against him proved, and that

### THE LEGISLATURE AS SEEN BY AN HAWAIIAN LEAD BY AN HAWAIIAN LEADER HOUSehold

The present political complications apportunity to done the roles line and Should have been a direct and discovery country not a little falk semens then they will not full to do it.

All of section, and not by way of it. those who take an interest in things. The interest part as this and argument morely, that the

"I cannot for the life of me underin the present case there is not even stand what the Independents want. At of things. It is unfair, let me say to a indirect adjudication that the petition—the beginning of the present session I blame the Hawailans as a whole, for thought I did. At that time it seemed the way native legislators are acting. The only case cited contra that seems to me that if the Hawaiian Legislature Many of them deeply regret the way have a bearing on this point is People could have an appropriation bill, all would be well. Now that they have However, a lesson has been taught and had a chance to pass such a measure. Is being learned that will not be for-Novins, I fill, let the said to other had a chance to pass such a measure, mostions. There is very little said on they seem to be no nearer an underthis point and that does not commend standing of their own minds than they made to one's sense of reason. In that were before. We will never, until we use the contempt was a civil contempt. have had another election, get an appropriation bill that will be satisfactory. At present the only thing we can do is to worry along as best we can for a year and a half more, until we can secure men who know in their own ran secure men who know in their own ployers cannot, with the financial af-minds what they want, and have a fairs of the Territory being wrought sofficient grasp on affairs of State to line the condition they now the, emtence is therefore void, as the court is not at hand. I would hardly be justed sofficient grasp on analysis of the condition they have been forced to see the condition to the c matter from being made worse.

"As to the outcome of the Wilcox rouble, it is too early yet to speak with definiteness. There is no doubt that many of the lawmakers, especially those in the House, will make an ex-cuse of this incident to express their will not have an appropriation bill that prejudices along racial lines. From now will be for the best interests of the Teron, I am sure, it will be more and more ritory, but one which is passed in a evident that the ruling party will make narrow, partisan spirit. The only hope

trees and other tropical products were destroyed. Those who met death in the destroyed. Those who met death in the fiames were all families of plantation laborers, who, being unable to escape the fire, perished in their nuts. The fire physicians to do likewise. The three

yet recovered from the attack of nervous half. On leaving he said: "Mrs. Mc-prostration from which she has been suf- Kirley is resting very comfortably now. She has gained a great deal this evening, but there is no marked change. She is doing very well." fined in the sum of one hundred dollars; of their visit. Emperor William's invitation to the two baronesses was edutained that said L. A. Thurston be and he is bereby committed to prison until such time as he shall express his willingness to sppear before the said Grand Jury and answer the interrogatory aforesaid, towit to disclose the name of his alleged client," etc.

It is understant the sum of one hundred dollars; of their visit. Emperor William's invitation to the two baronesses was edutained in the improvement in Mrs. McKinley's condition is slight, the fact that there had been no setback durbants there had been no setback durbants that there had been no setback durbants the fact that there had been no setback durbants the fact that there had been no setback durbants the burgers delient. The work of the said grain, was gratifying to the White House household, and the Pressident expressed his pleasure several times during the evening. In view, however, of the gravity of the condition of the stricken mistress of the White House, too much significance is the hold prepared, it is said, the young wife has preferred serious charges alight day, but, on the contrary, a slight gain, was gratifying to the White House household, and the Pressident expressed his pleasure several times during the evening. In view, however, of the gravity of the condition of the stricken mistress of the White House, too much significance is shown Both and the propers have already that the bunders of the burbants. The white the bands of Mrs. Pollimary and

ance to settle. Meantime lawlessness is refused to divulge the nature of the spreading in Shan-al province, as no crime charged and Neall declares he imperial troops are allowed there. Af-innocent.

ry expeditions which have inflamed some days that he was improving but the natives, and their insistence upon some days that he was improving but the natives, and their insistence upon Saturday night there was a change for which resulted falally. A foreigners in a more unfavorable light the worse, which resulted fatally. At in Chinese eyes than before the Boxer his bedside when he passed away were

her present influence in North China, but does not intend to extend it, except in Manchuria.

William A. Rodenberg of East St. Louis, iil., and now president of the United States Civil Service Commission, to which position he was appointed in March of this year, arrived here from the East yesterday and is a guest at the Falace. He is on his way to Honohilu to inaugurate civil service in the isi-

of the act of Congress approved on the theme in the islands that will have to It was supported that the positions to departments to departments of apght spread rapidly so drasletting the various Bistes and Territorledy action was had as a
first the Territory of Hawaii is smilled
to expectatments to fifteen positions. Ex-

bluss who take an interest in though the information of the political the Hawaiiana are naturally aheald be fostered and engendered, are interpolated in the their reference to precedents which contained such fine in diallocations and to other which contained such fine in the first process and the respective of the contained such fine in the process of the contained such fine in the first precedents which contained such fine in the first precedent which contained such fine in the first conta I have mentioned, will assume control

of things. It is unfair, let me say, to thought I did. At that time it seemed the way native legislators are acting. is being learned, that will not be forgotten soon. "The present course of things will

am sure, work great hardship to the poor. I am fearful that it will not be many months before there will be destitution among the poorer class of natives. Pol and fish are going up, and wages are tending the other way. Emthe good of Hawall, and not descend to party bickerings, to gratify personal malice or party spite. Governor Dole may sign the Appropriation bill, but if he does I am sure it will be with the understand that it is to keep a bad understand that it is to keep a bad before roads worse. the extra session can do for the public good, is to adjourn.

"In conclusion, I can but say that I do not know what the present Legislature wants. I fear the Wilcox matter

made for the reason that there was no Russians accepted, fearing to displease the Czar otherwise. But the French doctors insisted on the \$400 a day agreed upon. As most of the doctors attended the Queen for three weeks, It was a rather costly false alarm,

CHICAGO, June 5.-Mrs. George M. Pullman Jr. is going to sue for a di-vorce from her husband. It is under-stood that the papers have already been prepared and are now in the

improvement is shown may prove but the one time petted and popular Jack temporary. Neall, stationed at the Presidio, San

do so before normal conditions are re- this afternoon of acute bronchitis and pneumonia, after an illness of eight Chaffee said he believed the ailies weeks. Herne was taken ili in Chicago troubles. Russia's strong influence at Mrs. Herne, his three daughters and his the Chinese court had been improved by her moderation. In conclusion, Chaffee said that the Chinese problem was not yet settled. He believes Russia intends to maintain the believes Russia intends to maintain the property influence in New Chinese problem.

> TACOMA, Wash, June 2-Oriental advices arriving today indicate that Chinese tea shipments will be shorter Chinese tea shipments will be shorter this year than for several years past. The crop is fair, but owing to disturbed conditions, a large part of it will not be brought down to the sea coast. It is reported from Shanghai, Amoy and Foochow that up to this time not over half as much silver, lead and opium have been sent into the interior in payment for tea as in previous years. Steamers now leaving Chinese and Japanese ports will bring to the Pacific Coast the first of new-crop tea to be received in the United tSafes.

LONDON, June 6 According to a special dispatch from Pcking, dated June ith Pather linarmin, an Italian priest, and fourteen other priests, have been necessared at Ning Tio Liang, in south-

But E. M. Bifre, the recent paster of Grace Episcopal Church, Chicago, has moured his life to favor of the church

A GOOD COUGH MEDICINE.

June 2 - A disparen to the street of the great fire which regard to the interest of the great fire which regard to the interest of the great fire which regard to the interest of the great fire which regard to the interest of the great fire which regard to the interest of the great fire which regard to the interest of the fire the control of the fire the fire the control of the control of the fire the control of the fire the control of the control of the fire the control of the control of

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